

The Law Office Of

ANTHONY M. GRANDINETTE

Of Counsel:

Paul Casteiro
New Jersey

Bryant R. Camareno
Florida

114 Old Country Rd. Suite 420 • Mineola, NY 11501

Telephone: (516)877-2889

Telecopier: (516)294-5348

Email: Grandinettelaw@gmail.com

Honorable Joseph F. Bianco, U.S.D.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

May 17, 2012

Re: Thomas M. Moroughan v. The County of Suffolk, et al.
Docket No.: CV-12-0512

Dear Judge Bianco:

I write on behalf of all counsel requesting a modification of the current 12(b)(6) scheduling order.

In May, all parties sought an extension for plaintiff to file an amended Complaint from May 21, 2012 to June 21, 2012, because the first set of document production was scheduled to be served by Suffolk County on May 18, and by Nassau County and Edward Bienz by June 8, 2012 (See DE24).

After conferring, all counsel agreed that by delaying the filing of the first amended complaint, all parties as well as the Court, would avoid additional and unnecessary work created by future amendments resulting from plaintiff's receipt of discovery just two weeks after filing the first amended complaint. Unfortunately, to date, plaintiff has only received one production of documents from Nassau County. No discovery has been received from the County of Suffolk. After conferring with Mr. Mitchell, counsel for the County of Suffolk, as recently as yesterday, he advised that the County has yet to receive the unsealing order, thereby preventing the Suffolk County Attorney's Office from obtaining and serving a significant portion of the disclosure demanded by plaintiff, from the Suffolk police department and the prosecutor's office.

Accordingly, the parties all agree¹ that an additional adjournment is warranted for plaintiff to file his first amended complaint to avoid repetitious and needless work by all. Therefore, joint proposal is that plaintiff file the first amended complaint on August 21, 2012, the defendants file their respective 12(b)(6) motions thirty days later, September 21, 2012, Plaintiff's reply by October 4, 2012. Oral argument to be set by the Court pursuant to your Honor's availability.

¹ With the exception of Michael Ferguson, attorney for Nassau County, whom unfortunately could not be reached, but is believed, would have no objection to the instant application. Plaintiff will supplement this submission after speaking with Mr. Ferguson, however, given the fact that the deadline for filing is June 21, 2012, I elected not to delay this request any longer.

Alternatively, if the Court should prefer, the Plaintiff will file the amended complaint by June 21, 2012 as scheduled, and seek leave to file a second amended complaint after receipt of discovery.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony M. Grandinette', with a long horizontal flourish extending to the right.

Anthony M. Grandinette

AMG/eb